

AMENDED IN SENATE MAY 16, 2011

AMENDED IN SENATE MAY 4, 2011

AMENDED IN SENATE APRIL 7, 2011

SENATE BILL

No. 699

Introduced by Senator Runner

February 18, 2011

An act to amend Section 51225.3 of, *and to add Section 51225.1 to*, the Education Code, relating to pupil instruction.

LEGISLATIVE COUNSEL'S DIGEST

SB 699, as amended, Runner. Pupil instruction: graduation requirements: pupil in foster care.

Existing law requires a pupil to complete specified courses while in grades 9 to 12, inclusive, in order to receive a diploma of graduation from high school. Existing law authorizes the governing board of a school district to adopt rules specifying additional coursework requirements. Existing law ~~also provides that~~ *requires* a school district ~~shall to~~ exempt a pupil in foster care from all coursework and other requirements adopted by the governing board of the school district that are in addition to the statewide coursework requirements for graduation if the pupil, while he or she is in grade 11 or 12, transfers into the school district from another school district or between high schools within the school district, unless the school district makes a finding that the pupil is reasonably able to complete the additional requirements in time to graduate from high school while he or she remains eligible for foster care benefits.

This bill would instead ~~provide that a school district shall exempt a pupil from all coursework and other requirements adopted by the~~

~~governing board of the school district that are in addition to the statewide coursework requirements for graduation if the pupil transfers between schools while he or she is in grade 11 or 12 and in foster care, unless the school district makes a finding that the pupil is reasonably able to complete the additional requirements in time to graduate from high school at the completion of the pupil's fourth year of high school attendance, or unless the adult holding the right to make educational decisions for the pupil, or the pupil, decides that exempting the pupil is not in the pupil's best interest. The bill also would require a school district to notify a pupil who transfers between schools while he or she is in grade 11 or 12 and in foster care whether or not he or she qualifies for an exemption within 30 days of transferring~~ *require a school district to exempt a pupil from all coursework and other requirements adopted by the governing board of the school district that are in addition to the statewide coursework requirements unless the school district makes a finding that the pupil is reasonably able to complete the requirements in time to graduate from high school by the end of the pupil's 4th year of high school. The bill would make the exemption from local graduation requirements applicable only to a pupil who transfers between schools during or after the pupil's 3rd year of high school and who is currently in foster care or, at the time of transfer, was in foster care. The bill would allow either the number of credits the pupil has earned to date or the length of the pupil's school enrollment to be used to determine whether a pupil is in the 3rd year of high school, whichever would qualify the pupil for the exemption. The bill would require the school district to notify a pupil who may qualify for the exemption and the person holding the right to make educational decisions for the pupil and inform them of whether or not the pupil qualifies for the exemption. The bill would require the notification to be made within 30 days of the pupil's transfer. If the adult holding the right to make educational decisions for the pupil, in consultation with the pupil, decides at any time or if the pupil decides at any time that it is not in the pupil's best interest to be exempted from local graduation requirements, the bill would prohibit the school district from exempting the pupil. The bill would prohibit a school or school district from requiring or requesting that the pupil graduate before the end of his or her 4th year of high school if a pupil is exempted and completes the statewide coursework requirements before the end of his or her 4th year in high school and the pupil is otherwise entitled to remain in attendance at the school.*

By requiring school districts to perform additional duties in complying with the exemption requirement, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 51225.1 is added to the Education Code,*
2 *to read:*
3 *51225.1. (a) (1) The exemption from local graduation*
4 *requirements provided by this section applies only to a pupil who*
5 *meets both of the following criteria:*
6 *(A) The pupil transfers between schools during or after the*
7 *pupil's third year of high school.*
8 *(B) The pupil is currently in foster care or, at the time of*
9 *transfer, was in foster care.*
10 *(2) To determine whether a pupil is in the third year of high*
11 *school, either the number of credits the pupil has earned to date*
12 *or the length of the pupil's school enrollment may be used,*
13 *whichever will qualify the pupil for the exemption.*
14 *(b) (1) Notwithstanding any other law, a school district shall*
15 *exempt a pupil from all coursework and other requirements*
16 *adopted by the governing board of the school district that are in*
17 *addition to the statewide coursework requirements specified in*
18 *Section 51225.3 unless the school district makes a finding that the*
19 *pupil is reasonably able to complete the requirements in time to*
20 *graduate from high school by the end of the pupil's fourth year of*
21 *high school.*
22 *(2) If the adult holding the right to make educational decisions*
23 *for the pupil, in consultation with the pupil, decides at any time*
24 *or if the pupil decides at any time that it is not in the pupil's best*

1 *interest to be exempted from local graduation requirements, the*
2 *school district shall not exempt the pupil from those requirements.*

3 *(c) Within 30 days of the date that a pupil who may qualify for*
4 *the exemption from local graduation requirements pursuant to this*
5 *section transfers into a school, the school district shall notify the*
6 *pupil and the adult holding the right to make educational decisions*
7 *for the pupil of the availability of the exemption and shall inform*
8 *the pupil and the adult holding the right to make educational*
9 *decisions for the pupil that the pupil qualifies or does not qualify*
10 *for an exemption.*

11 *(d) (1) If a pupil is not exempted from local graduation*
12 *requirements pursuant to this section, a school district shall exempt*
13 *the pupil at any time if an exemption is requested and the pupil*
14 *qualifies for the exemption.*

15 *(2) If a pupil has been exempted from local graduation*
16 *requirements pursuant to this section, a school district shall not*
17 *revoke the exemption unless the pupil or the adult holding the right*
18 *to make educational decisions for the pupil, in consultation with*
19 *the pupil, requests the revocation.*

20 *(e) If a pupil is exempted from local graduation requirements*
21 *pursuant to this section and completes the statewide coursework*
22 *requirements specified in Section 51225.3 before the end of his or*
23 *her fourth year in high school and that pupil would otherwise be*
24 *entitled to remain in attendance at the school, a school or school*
25 *district shall not require or request that the pupil graduate before*
26 *the end of his or her fourth year of high school.*

27 *(f) If a pupil is exempted from local graduation requirements*
28 *pursuant to this section, the school district shall notify the pupil*
29 *and the adult holding the right to make educational decisions for*
30 *the pupil, whether and how any of the requirements that are waived*
31 *will affect the pupil's ability to gain admission to a postsecondary*
32 *educational institution and shall provide information about transfer*
33 *opportunities available through the California Community*
34 *Colleges.*

35 **SECTION 1.**

36 **SEC. 2.** Section 51225.3 of the Education Code is amended to
37 read:

38 51225.3. (a) A pupil shall complete all of the following while
39 in grades 9 to 12, inclusive, in order to receive a diploma of
40 graduation from high school:

(1) At least the following numbers of courses in the subjects specified, each course having a duration of one year, unless otherwise specified:

(A) Three courses in English.

(B) Two courses in mathematics.

(C) Two courses in science, including biological and physical sciences.

(D) Three courses in social studies, including United States history and geography; world history, culture, and geography; a one-semester course in American government and civics; and a one-semester course in economics.

(E) One course in visual or performing arts or foreign language. For the purposes of satisfying the requirement specified in this subparagraph, a course in American Sign Language shall be deemed a course in foreign language.

(F) Two courses in physical education, unless the pupil has been exempted pursuant to the provisions of this code.

(2) Other coursework requirements adopted by the governing board of the school district.

(b) The governing board, with the active involvement of parents, administrators, teachers, and pupils, shall adopt alternative means for pupils to complete the prescribed course of study that may include practical demonstration of skills and competencies, supervised work experience or other outside school experience, career technical education classes offered in high schools, courses offered by regional occupational centers or programs, interdisciplinary study, independent study, and credit earned at a postsecondary institution. Requirements for graduation and specified alternative modes for completing the prescribed course of study shall be made available to pupils, parents, and the public.

~~(c) (1) Notwithstanding any other provision of law, a school district shall exempt a pupil from all coursework and other requirements adopted by the governing board of the district that are in addition to the statewide coursework requirements specified in this section if the pupil transfers between schools while he or she is in grade 11 or 12 and in foster care unless the district makes a finding that the pupil is reasonably able to complete the requirements in time to graduate from high school at the completion of the pupil's fourth year of high school attendance. If the adult holding the right to make educational decisions for the pupil~~

1 decides at any time or if the pupil decides at any time that it is not
2 in the pupil's best interest to be exempted from local graduation
3 requirements, the pupil shall not be exempted from those
4 requirements.

5 (2) A school district shall notify a pupil who transfers between
6 schools while he or she is in grade 11 or 12 and in foster care and,
7 as appropriate, the person holding the right to make educational
8 decisions for the pupil, whether or not the pupil qualifies for an
9 exemption pursuant to this subdivision. The school district shall
10 make the notification within 30 days of the pupil transferring.

11 (3) If a pupil transfers between schools while he or she is in
12 grade 11 or 12 and in foster care and has not been exempted
13 pursuant to this subdivision, a school district may so exempt the
14 pupil, at any time, if the criteria set forth in this subdivision are
15 satisfied.

16 (4) If a pupil transfers between schools while he or she is in
17 grade 11 or 12 and in foster care and is exempted from local
18 graduation requirements pursuant to this subdivision, the school
19 district shall notify the pupil and, as appropriate, the person holding
20 the right to make educational decisions for the pupil, whether any
21 of the requirements that are waived will affect the pupil's ability
22 to gain admission to a postsecondary educational institution and
23 shall provide information about transfer opportunities available
24 through the California Community Colleges.

25 ~~SEC. 2.~~

26 *SEC. 3.* If the Commission on State Mandates determines that
27 this act contains costs mandated by the state, reimbursement to
28 local agencies and school districts for those costs shall be made
29 pursuant to Part 7 (commencing with Section 17500) of Division
30 4 of Title 2 of the Government Code.